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# THE STEPHEN HARRIS

NY NY 10001

Civil Action No. 2-05 CV-184

**JURY TRIAL DEMANDED**

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## THE PARTIES

3. Intel manufactures processors and sells and offers to sell the same throughout the United States, including in the Eastern District of Texas.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the U.S. Code

5. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338.

6. This Court has personal jurisdiction over Intel.

7. Venue is proper in this judicial district under 28 U.S.C. §§ 1391 and 1400(b).

**COUNT ONE: INFRINGEMENT OF U.S. PATENT NO. 4,847,755**

8. The allegations of paragraphs 1-7 are incorporated for this Count One as though fully set forth herein

9. On July 11, 1989, U.S. Patent No. 4,847,755 ("the '755 Patent"), entitled "Parallel Processing Method And Apparatus For Increasing Processing Throughput By Parallel Processing Low Level Instructions Having Natural Concurrencies," was duly and legally issued by the United States Patent and Trademark Office to inventors Gordon Morrison, Christopher Brooks, and Frederick Gluck and has been duly and legally assigned to BIAX. A copy of the '755 Patent is attached to the Complaint as Exhibit 1.

10. Upon information and belief, Intel has infringed and continues to infringe, has induced and continues to induce others to infringe, and has committed and continues to commit acts of contributory infringement of one or more claims of the '755 Patent in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States processors, including the Intel Itanium processor, Itanium 2 processor, and Intel processors supporting Hyper-Threading Technology, such as the Intel Xeon supporting Hyper-Threading Technology, Pentium 4 supporting Hyper-Threading Technology, Pentium Extreme Edition supporting Hyper-Threading Technology, and Mobile Pentium 4 processors supporting Hyper-Threading Technology, that are covered by one or more claims of the '755 Patent, all to the

injury of BIAx. 11. Upon information and belief, Intel's infringement of the '755 Patent will continue in the future, and BIAx will continue to suffer damages as a consequence, unless Intel's infringing acts are enjoined by this Court.

12. Upon information and belief, Intel's acts of patent infringement of the '755 patent were and continue to be willful and deliberate.

13. As a result of Intel's infringement of the '755 Patent, BIAx has suffered damages in an amount not yet determined and will continue to suffer damages in the future.

**COUNT TWO: INFRINGEMENT OF U.S. PATENT NO. 5,021,945**

14. The allegations of paragraphs 1-7 are incorporated for this Count Two as though fully set forth herein.

15. On June 4, 1991, U.S. Patent No. 5,021,945 ("the '945 Patent"), entitled "Parallel Processor System For Processing Natural Concurencies And Method Therefor" was duly and legally issued to inventors Gordon Morrison, Christopher Brooks, and Frederick Gluck and has been duly and legally assigned to BIAx. A copy of the '945 Patent is attached to the Complaint as Exhibit 2.

16. Upon information and belief, Intel has infringed and continues to infringe, has induced and continues to induce others to infringe, and has committed and continues to commit acts of contributory infringement of one or more claims of the '945 Patent in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States processors, including the Intel Itanium and Itanium 2 processors, that are covered by one or more claims of the '945 Patent, all to the injury of BIAx.

17. Upon information and belief, Intel's infringement of the '945 Patent will continue in the future, and BIAx will continue to suffer damages as a consequence, unless Intel's infringing acts are enjoined by this Court.

18. As a result of Intel's patent infringement, BIAx has suffered damages in an amount not yet determined and will continue to suffer damages in the future.

**COUNT THREE: INFRINGEMENT OF U.S. PATENT NO. 5,517,628**

19. The allegations of paragraphs 1-7 are incorporated for this Count Three as though fully set forth herein.

20. On May 14, 1996, U.S. Patent No. 5,517,628 ("the '628 Patent"), entitled "Computer with Instructions that Use an Address Field to Select Among Multiple Condition Code Registers" was duly and legally issued to inventors Gordon Morrison, Christopher Brooks, and Frederick Gluck and has been duly and legally assigned to BIAx. A copy of the '628 Patent is attached to the Complaint as Exhibit 3.

21. Upon information and belief, Intel has infringed and continues to infringe, has induced and continues to induce others to infringe, and has committed and continues to commit acts of contributory infringement of one or more claims of the '628 Patent in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States processors, including the Intel Itanium and Itanium 2 processors, that are covered by one or more claims of the '628 Patent, all to the injury of BIAx.

22. Upon information and belief, Intel's infringement of the '628 Patent will continue in the future, and BIAx will continue to suffer damages as a consequence, unless Intel's infringing acts are enjoined by this Court.

23. As a result of Intel's infringement of the '628 Patent, BIAx has suffered damages in an amount not yet determined and will continue to suffer damages in the future.

**COUNT FOUR: INFRINGEMENT OF U.S. PATENT NO. 6,253,313**

24. The allegations of paragraphs 1-7 are incorporated for this Count Four as though fully set forth herein.

25. On June 26, 2001, U.S. Patent No. 6,253,313 ("the '313 Patent"), entitled "Parallel Processor System for Processing Natural Concurrencies and Method Therefore" was duly and legally issued to inventors Gordon Morrison, Christopher Brooks, and Frederick Gluck and has been duly and legally assigned to BIAx. A copy of the '313 Patent is attached to the Complaint as Exhibit 4.

26. Upon information and belief, Intel has infringed and continues to infringe, has induced and continues to induce others to infringe, and has committed and continues to commit acts of contributory infringement of one or more claims of the '313 Patent in this District and elsewhere by making, using, selling, offering for sale, and/or importing into the United States processors, including the Intel Itanium and Itanium 2 processors, that are covered by one or more claims of the '313 Patent, all to the injury of BIAx.

27. Upon information and belief, Intel's infringement of the '313 Patent will continue in the future, and BIAx will continue to suffer damages as a consequence, unless Intel's infringing acts are enjoined by this Court.

28. As a result of Intel's infringement of the '313 Patent, BIAx has suffered damages in an amount not yet determined and will continue to suffer damages in the future.

#### **JURY DEMAND**

29. BIAx requests a trial by jury.

#### **PRAYER FOR RELIEF**

WHEREFORE, BIAx prays for relief against Intel as follows:

A. Judgment that Intel has infringed, induced others to infringe, and committed acts of contributory infringement with respect to one or more claims of the '755, '945, '628, and '313 Patents;

B. Judgment that Intel's infringement of the '755 patent has been, and continues to be, willful and deliberate;

C. An order permanently enjoining Intel, its subsidiaries, officers, agents, servants, employees, licensees, and all other persons acting or attempting to act in active concert or participation with them or acting on their behalf, from further infringement, inducement of infringement, or contributory infringement of the '755, '945, '628, and '313 Patents;

D. An order directing Intel to account for and pay to BIAX all damages caused to BIAX by reason of Intel's patent infringement, including increased damages, under 35 U.S.C. § 284;

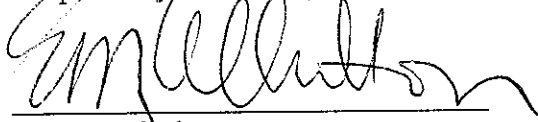
E. An order directing Intel to pay BIAX's costs, expenses, and reasonable attorney fees pursuant to 35 U.S.C. §§ 284 and 285;

F. An award to BIAX of pre-judgment and post-judgment interest on the damages caused to BIAX by Intel's patent infringement; and

G. Such other and further relief as the Court may deem just and proper.

Dated: May 13, 2005

Respectfully submitted,



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